

**The *ENHANCED*  
*RESOURCE*  
*GUIDELINES*:  
Improving Court  
Practice in Child  
Abuse & Neglect  
Cases**



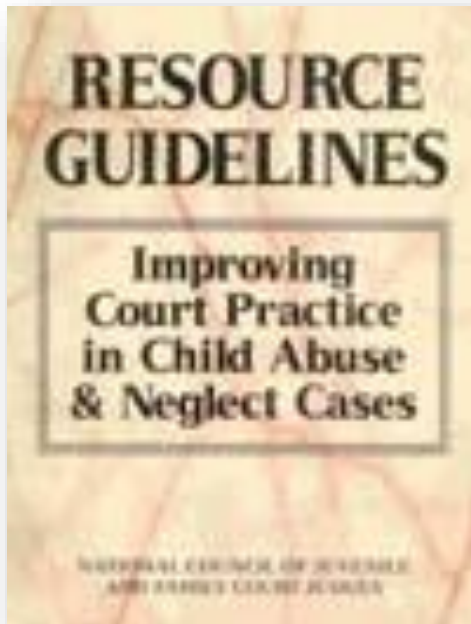
NATIONAL COUNCIL OF  
JUVENILE AND FAMILY COURT JUDGES

[WWW.NCJFCJ.ORG](http://WWW.NCJFCJ.ORG)

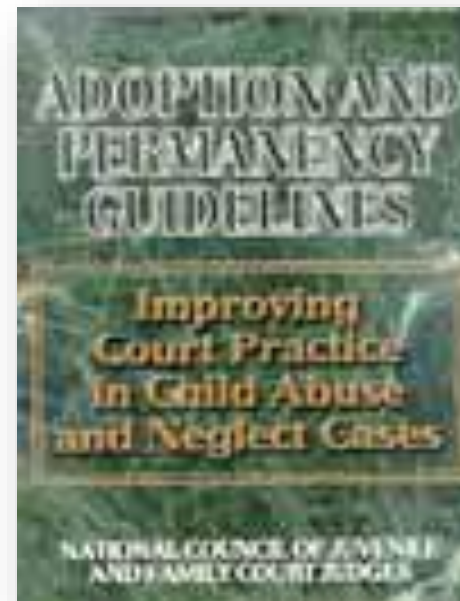
**Judge Doug Johnson  
TEOC 2016 Summit**

Special thanks to:  
Hon. Stephen Rubin (ret.)  
Dr. Sophia Gatowski

- History and Impact of the Original *RESOURCE GUIDELINES Companion Documents*



NCJFCJ ©1995



NCJFCJ ©2000

# The *ENHANCED RESOURCE GUIDELINES*

- **Need**

- Who is our audience?
- What do they need?
- How do we foster best practice?

- **Goals and purpose**

# Enhancement Process

## **Steering Committee**

Chair: Hon. Stephen Rubin (Ret., AZ)  
Hon. Leonard Edwards (Ret., CA)  
Hon. Ernestine Gray (LA)  
Hon. Karen Howze (DC)  
Hon. Douglas Johnson (NE)  
Hon. Mike Key (GA)  
Hon. Dale Koch (Ret., OR)  
Hon. Katherine Lucero (CA)  
Hon. Patricia Martin (IL)  
Hon. Sharon McCully (Ret., UT)  
Hon. Michael Nash (Ret., CA)  
Hon. John Romero (NM)  
Hon. David Stucki (OH)  
Hon. William Thorne (Ret., UT)

## **Principal Authors/Consultants**

Hon. Patricia G. Escher (Ret., AZ)  
Dr. Sophia Gatowski  
Candace Maze JD  
Tamatha Schreinert JD  
Hon. Stephen M. Rubin (Ret., AZ)

## **NCJFCJ Contributing Staff**

Dr. Shirley Dobbin  
Mari Kay Bickett JD  
Melissa Gueller MS  
Dr. Shawn Marsh  
Mary Mentaberry  
Nancy Miller  
Ruby White Starr  
Victoria Sweet JD  
Elizabeth Whitney Barnes JD

# Chapters

- Original RGs General Issues Chapter with expansion and additional discussion of topics, including:
  - Judge's role
  - Legal authority
  - Engaging children and families
  - Alternatives to contested litigation
  - Trauma
  - Child Well-Being
- Individual Hearing Chapters
- Judicial Bench cards

## ENHANCED RGs Key Principles

- Keep families together
- Ensure access to justice
- Cultivate cultural responsiveness
- Engage families through alternative dispute resolutions techniques
- Ensure child safety, permanency and well-being



### Key Principles for Permanency Planning for Children

Judging in juvenile court is specialized and complex, going beyond the traditional role of the judge. Juvenile court judges, as the gatekeepers to the foster care system and guardians of the original problem-solving court, must engage families, professionals, organizations and communities to effectively support child safety, permanency, and well-being. Judges must encourage the court system to respond to children and their families with both a sense of urgency and equity. These key principles provide a foundation for courts to exercise the critical duties entrusted to them by the people and the laws of the land.

#### Keep Families Together

Families are the cornerstone of our society, and children have a right to grow up with their families as long as they can be safe. Each child and family deserves to be treated fairly and respectfully, regardless of how and why they enter the court system. Judges must ensure that all children and each parent are afforded their constitutional rights to due process. Judicial determinations to remove children from a parent should only be made based on legally sufficient evidence that a child cannot be safe at home. Children and families must be an integral part of the planning and problem solving process.

#### Ensure Access to Justice

Judges must ensure that the courtroom is a place where all who appear are treated with respect, patience, dignity, courtesy and as part of the problem-solving process. Juvenile courts must be child and family-centered and presumptively open to the public. Children and parents must have the opportunity to be present in court and meaningfully participate in their case planning and in the court process. It is the responsibility of judges to see that all children and each parent are afforded their constitutional rights to due process.

#### Cultivate Cultural Responsiveness

Courts must be welcoming and respectful to people of all races, legal, ethnic, and socio-economic statuses, honoring family in all its forms. All members of the court system must recognize, respect, and seek to preserve the ethnic and cultural traditions, mores and strengths of those who appear before the court. Judges must become aware of, and remediate to the extent possible, their own implicit biases that may adversely affect decision making.

#### Engage Families Through Alternative Dispute Resolution Techniques

Judges should encourage and support the development of family-centered, culturally responsive forms of dispute resolution to allow families to craft effective court-sanctioned solutions to the issues that brought them before the court. Courts should support the development and use of appropriate dispute resolution techniques including mediation, family group conferencing, differential response, and encourage all to utilize the form that will be most beneficial to the children and parents in a particular case.

#### Ensure Child Safety, Permanency, and Well-Being

Children should remain at home as long as they can be safe. Removal of a child from the home should occur only as a last resort. Judges are responsible for proactively monitoring the safety of children and ensuring services are provided to maintain their safety no matter where they are placed. Judges are responsible for ensuring the physical, mental, emotional, reproductive health, and educational success of all children under the supervision of the court. If a parent is a victim of violence from the other parent/spouse/partner, the judge should sanction plans that keep that victim safe as the best way to keep a child safe. When return to a parent is inappropriate, placement with kin or a responsible person with a significant relationship with the child is the first priority. No child should exit foster care without a life-long connection to a caring and responsive adult.

#### Ensure Competent & Adequately Compensated Representation

Judges are responsible for ensuring that parties, including each parent, are vigorously represented by well-trained, culturally responsive, and adequately compensated attorneys who are committed to these key principles. Children should be parties to their cases. Children are entitled to representation by attorneys and guardians ad litem and judges must ensure the child's wishes are presented to and considered by the court.

#### Advance the Development of Adequate Resources

Juvenile and family courts must be appropriately supported. Courts must maintain a sufficient number of specially trained and permanently assigned judicial officers, staff attorneys and guardians ad litem to thoroughly and effectively conduct the business of the court. Judges should continually assess the availability and advocate for the development of effective and culturally responsive resources and services that families need.

#### Demonstrate Judicial Leadership & Foster Collaboration

Judges must convene and engage the community in meaningful partnerships to promote the safety, permanency, and well-being of children and to improve system responses. The juvenile court must model and promote collaboration, mutual respect, and accountability among all participants in the child welfare system and the community at large. To demonstrate the effectiveness of the system and to improve its ability to serve children and families, courts should strive to maintain data on every aspect of the process and use that data to identify and achieve system improvements. Judges must encourage regular and productive review of system-wide processes to foster the continual goal of improvement.

#### Technical Assistance Brief

NCJFCJ Permanency Planning for Children Department, University of Nevada, Reno,  
P.O. Box 8870, Reno, NV 89507, (775) 327-5300

Adopted by the NCJFCJ Board of Trustees – July 23, 2011

www.ncjfcj.org

© 2011 NCJFCJ. All rights reserved. No part of this publication may be reproduced without prior written permission from the National Council of Juvenile and Family Court Judges.

Revised: November 2011

## Key Principles (cont'd)

- Ensure family time
- Provide judicial oversight
- Ensure competent and adequately compensated representation
- Advance the development of adequate resources
- Demonstrate judicial leadership and foster collaboration

[http://www.ncjfcj.org/sites/default/files/keyprinciples.final\\_.permplanning.pdf](http://www.ncjfcj.org/sites/default/files/keyprinciples.final_.permplanning.pdf)

## Chapters & Judicial Bench Cards Writing Process

- Review original *RESOURCE GUIDELINES* and progeny –
  - Review other best practice checklists/documents
- Review research/literature on best or promising practices
- Capture knowledge gained from Model Court experiences and trainings on RGs/AGs
- Review changes to ASFA and incorporate other laws
- Steering Committee meeting discussions integrated
- Feedback received from Steering Committee through review process addressed



## Every Bench Card

- Reflection on Decision-Making Process to Guard Against Bias
- Case Management
  - Before the Hearing
  - During the Hearing
  - After the Hearing
- Due Process Considerations
- Required Findings and Orders
- Engaging Parents, Children and Families
- Focus on Trauma and Child/Youth Well-Being

# The Bench Cards

- Preliminary Protective Hearing
- Adjudication
- Disposition
- Permanency Hearing
- Review Hearings
- Termination of Parental Rights

**A closer look ...**

**The Preliminary Protective  
Hearing Bench Card**

## PERSONS WHO SHOULD BE PRESENT AT THE PRELIMINARY PROTECTIVE HEARING

- Judge or judicial officer
- Parents of each child whose rights have not been terminated
  - Mothers, fathers (legal, biological, alleged, putative, named), non-custodial parents – all possible parents
- Child
- Assigned caseworker
- Agency attorney and/or prosecuting attorney
- Attorney for each parent
- Legal advocate for the child
- Guardian *ad Litem* (GAL); CASA
- Child's current placement (caregivers, foster parents, custodial adults, adoptive parents)
- All adult relatives of the child
  - Relatives (P.L. 110-351) with legal standing or other custodial adults, including adult half-siblings; paternal and maternal relatives
- Non-related extended family, fictive kin (persons known and trusted by the families; godparents)
- Parents of a sibling child, where such parent has legal custody of the sibling (P.L. 113-183)
- If ICWA applies: Indian custodian, the child's tribe, and attorney; tribal representative/tribal liaison; ICWA-qualified expert witness
- Treatment and/or service providers
- Parent partners, parent mentors if assigned/available, substance abuse coach, DV advocate
- Cultural leaders, cultural liaison, religious leaders
- Education liaison/school representative
- Education surrogate parent if appropriate
- Law enforcement
- Adult or juvenile probation or parole officer
- Court-certified interpreters or court-certified language services
- Court reporter
- Court security

## COURTS CAN MAKE SURE THAT PARTIES AND KEY WITNESSES ARE PRESENT BY:

- Ensuring that the judge, not the bailiff or court staff, makes the determination about who is allowed to be in the courtroom;
- Asking the youth/family if there is someone else who should be present;
- Requiring quick and diligent notification efforts by the agency;
- Requiring both oral and written notification in a language understandable to each party and witness;
- Requiring service/tribal notice to include the reason for removal, purpose of the hearing, and availability of legal assistance in a language and form understandable to each party and witness;
- Requiring caseworkers and/or protective service investigators to facilitate attendance of children, parents, relatives (paternal and maternal), fictive kin, and other parties;
- Facilitating telephonic or video conferencing appearance at hearings; and
- Implementing time-certain calendaring.

## REVIEW RELEVANT DOCUMENTS

Review the petition.

- A sworn petition or complaint should be filed prior to the PPH and served/provided to the parents and their counsel.
- The petition should be specific about the facts that bring the child before the court.
- The petition should not be conclusory without relevant facts to explain and support the conclusions.
- Petitions need to include allegations specific to each legal parent or legal guardian if appropriate.
- If the petition does not contain allegations against a legal parent or legal guardian, the child should be placed with or returned to that parent or legal guardian.
- Petitions/removal affidavits need to include specific language clearly articulating the current threat to the child's safety.

## CONSIDER WHETHER THERE ARE ANY RELATED CASES IN JUVENILE OR OTHER COURTS

- Are there other family, delinquency, domestic violence, probate, guardianship, or criminal cases or orders of protection involved in this case?
- Can these cases be consolidated before one judge?
- Is there a potential for duplicative or conflicting orders?
- Can the judges consult?

## OPENING THE HEARING

- Call the case.
- Identify the people in the courtroom and their connection to the case.
- Explain the type and purpose of the hearing.

## DUE PROCESS CONSIDERATIONS

- Identification of parents and/or guardians
  - Who are the child's parents and/or guardians?
  - Have the identity and location of all parents and/or guardians been determined?
  - If not, what diligent search efforts have been made for all parents and/or guardians? Are they sufficient?
  - Has paternity of all children been legally established? If so, how?
  - Have efforts to identify and locate fathers been sufficient? What has been done?



## Notice

- How were the parents/guardians and foster parents notified of this hearing?
- Was the notice in a language and form understandable to the parents/guardians and foster parents?
- Has the agency exercised due diligence to identify and provide notice to all adult relatives of the child's removal and their options to participate in the child's care and placement? (42 U.S.C. § 671(a)(29))
- Has the agency exercised due diligence to provide notice to all parents of a sibling of the child, where such parent has legal custody of the child? (P.L. 113-183 § 471(a)(29))
- Verify that relatives who requested notice actually received notice to attend the hearing (P.L. 110-351 § 103).

## Representation

- Are the parents entitled to representation?
- Are there language issues to consider in appointing counsel?
- Does counsel have sufficient training and experience to provide competent representation in this case?
- Has counsel had sufficient opportunity to consult with his/her client prior to the hearing?
- Has counsel been appointed to represent the child?
- Does counsel have sufficient training and experience to represent the child in this case?
- Has counsel met with the child in person? Is he able to determine and advocate the child's position?
- Should the court appoint a Guardian *ad litem* and/or CASA for the child?

## UNDERSTANDING AND COMPETENCY

- Do the parents understand the allegations and the purpose of the hearing?
- Are there parental competency issues?

## APPLICABILITY OF OTHER FEDERAL LAWS AND REGULATIONS

- Do the provisions of the Americans with Disabilities Act, Service Members Civil Relief Act, Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), Interstate Compact on the Placement of Children (ICPC), or other federal law apply to this case?

## ENGAGE PARENTS AND ANY CHILDREN OR RELATIVES PRESENT.

- What language are you most comfortable speaking and reading?
- Do you understand what this hearing is about? (Explain the purpose of the hearing.)
- Do you understand the petition? (Review the petition with parties.)
- Were you involved in any ADR process used before this hearing? If yes, what was the outcome?
- What family members and/or other important people should be involved in this process?

## **REFLECTIONS ON THE DECISION-MAKING PROCESS TO PREVENT BIAS**

Take a moment before every hearing or before making decisions in a case to ask yourself:

- What assumptions have I made about the cultural identity, genders, and background of this family?
- What is my understanding of this family's unique culture and circumstances?
- How is my decision specific to this child and this family?
- How has the court's past contact and involvement with this family influenced (or might influence) my decision-making process and findings?
- What evidence has supported every conclusion I have drawn, and how have I challenged unsupported assumptions?
- Am I convinced that reasonable efforts (or active efforts in ICWA cases) have been made in an individualized way to match the needs of the family?
- Am I considering relatives as preferred placement options as long as they can protect the child and support the permanency plan?
- Have I placed the child in foster care as a last resort?
- Have I integrated the parents, children, and family members into the hearing process in a way that ensures they have had the opportunity to be heard, respected, and valued? Have I offered the family and children the chance to respond to each of the questions from their perspective?
- Is this family receiving the same level and tailoring of services as other families?
- Is the parents' uncooperative or negative behavior rationally related to the involvement of the agency and/or the court?
- If this were my child, would I be making the same decision? If not, why not?

## KEY INQUIRIES, ANALYSES, FINDINGS, AND DECISIONS AT THE PRELIMINARY PROTECTIVE HEARING

### INDIAN CHILD WELFARE ACT (ICWA) DETERMINATION

- The court should require that the applicability of the ICWA be determined before proceeding with the preliminary protective hearing. If the court has reason to believe ICWA applies, the court should proceed accordingly.
- If yes, different standards apply. Refer to the ICWA Checklist.
- If yes, determine whether there was *clear and convincing evidence*, including testimony of a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in *serious emotional or physical damage to the child* (25 U.S.C. § 1912(e)).

## KEY ICWA INQUIRIES THE COURT SHOULD MAKE:

- Is the child under 18, unmarried, and:
  - A member of a federally recognized tribe, or
  - Eligible for membership in a federally recognized Indian tribe, and
  - The biological child of a member of a federally recognized tribe?
- Was the child in the custody of a parent or Indian custodian?
- If the child is an Indian child, does the child reside, or is the child domiciled, on a reservation, or is the child already a ward of a tribal court, depriving the court of jurisdiction? If the child resides or is domiciled on a reservation but is temporarily off the reservation, the court may order an emergency removal from the parent or Indian custodian to prevent imminent physical damage or harm to the child.

## KEY ICWA INQUIRIES THE COURT SHOULD MAKE (Cont'd)

- Has the agency mailed proper notice to the child's putative father, including a father who has acknowledged paternity, even if he has not legally established paternity?
- Was proper notice and inquiry mailed to all tribes in which the child may be eligible for membership, including a family chart or genogram to facilitate the tribe's membership determination?
- If the child's tribe is not known at this time, was written notice sent to the U.S. Secretary of the Interior?
- What efforts, if any, have been made by the agency to identify extended family or other tribal members or Indian families, for placement of the child? Has the agency attempted to create a family chart or genogram soliciting assistance from neighbors, family, or members of the Indian community who may be able to offer information?
- Is the parent able to read and/or understand English? If not, what efforts have been made to ensure that the parent understands the proceedings and any action the court will order?



## KEY ICWA DECISIONS THE COURT MUST MAKE:

- Is it in the best interests of the child to appoint counsel for the child?
- If the state law makes no provision for the appointment of counsel, has the court notified the U.S. Secretary of the Interior upon appointment of counsel so that reasonable fees and expenses may be appropriated?
- In assessing whether an individual who meets the placement preferences is an appropriate placement for the child, has the agency relied upon the social and cultural standards of the Indian community in which the parent or extended family resides, or with which the parent or extended family is affiliated?
- What additional efforts need to be made to ensure that the child is placed with extended family or within his/her tribal community?
- What culturally relevant services will allow the child to remain at home?
- Will parties voluntarily agree to participate in services?
- Are restraining orders or orders expelling an allegedly abusive parent from the home appropriate or necessary?
- Are orders needed for examinations, evaluations, or other immediate services?

## LEGAL THRESHOLD FOR REMOVAL

- Has the agency made a *prima facie* case or probable cause showing that supports the removal of the child or that continued residence in the home would be contrary to the welfare, or that placement would be in the best interests of the child? (45 C.F.R. § 1356.21(b)(1))
  - What case-specific evidence supports this finding?
  - Have the family's cultural background, customs, and traditions been taken into account in evaluating the event and circumstances that led to the removal?
  - Have the parent(s)' cultural or tribal liaison/ relevant other(s) been asked if there is a culturally based explanation for the allegations in the petition?

## IF PROBABLE CAUSE IS FOUND:

- Make specific findings of fact regarding the necessity for removal, and outline the specific reasonable efforts to prevent removal, **or alternatively, show that the agency is not required to make such efforts.**
- Determine whether remaining in the home is contrary to the welfare of the child, **specifying the immediate safety concerns (42 U.S.C. § 672(a)(102)).**
- **Determine whether placement in shelter care is in the best interests of the child and that no reasonable options exist to allow the child to remain at home.**

## REASONABLE EFFORTS (TO PREVENT REMOVAL)

- While federal law requires the judge to determine whether reasonable efforts have been made to prevent or eliminate the need for removal within 60 days of the date of removal (45 C.F.R. §1356.21(b)(1)), this finding should be made at the PPH when the removal can first be challenged.
- What were the specific safety risks leading to removal?
- What services were considered and offered to allow the child to remain at home? Were these services culturally appropriate? Were these services rationally related to the safety threat?
- What was done to create a safety plan to allow the child to remain at home or in the home of another person without court involvement?
  - Have non-custodial parents and paternal and maternal relatives been identified and explored? What is the plan to do so?
- Were there any pre-hearing conferences or meetings that included the family?
  - Who was present?
  - What was the outcome?
- How has the agency intervened with this family in the past? Has the agency's previous contact with the family influenced its response to this family now?

## REASONABLE EFFORTS TO ALLOW THE CHILD TO SAFELY RETURN HOME

- Is the agency making reasonable efforts to effect the safe reunification of the child and family? (45 C.F.R. § 1356.21(b)(1))
- What is preventing the child from SAFELY returning home TODAY?
- What is the current and immediate safety threat? Has the threat diminished? How do you know that? Specifically, how can the risk be ameliorated or removed?
- What type of safety plan could be developed and implemented in order for the child to return home today?
  - What specifically prevents the parents from being able to provide the minimally adequate standard of care to protect the child?
  - Will the removal or addition of any person from or into the home allow the child to safely return?
- If the safety threat is too high to return the child home, how have the conditions for return been conveyed to the parents, family, and child, and are you satisfied that they understand these conditions?

## REASONABLE EFFORTS TO ALLOW THE CHILD TO SAFELY RETURN HOME (Cont'd)

What services can be arranged to allow the child to safely return home today?

- How are these services rationally related to the *specific* safety threat?
- How are the parents, extended family, and children being engaged in the development and implementation of a plan for services, interventions, and supports?
- How will the agency assist the family in accessing services?
- Does the family believe that these services, interventions, and supports will meet their current needs and build upon strengths?
- Has the family been given the opportunity to ask for additional or alternate services?
- What evidence has been provided by the agency to demonstrate that the services, interventions, or supports for this family have effectively met the needs and produced positive outcomes for families with similar presenting issues and demographic characteristics?
- How are the services, interventions, and supports specifically tailored to the culture and needs of *this* child and family?
  - How do they build on family strengths? How is the agency determining that the services, interventions, and supports are culturally appropriate?

## APPROPRIATENESS OF PLACEMENT

- Is the placement appropriate? (42 U.S.C. § 675(5))
- When and where did the caseworker last see the child? What was the nature of the contact?
- Is the placement the least restrictive (most family-like) and most appropriate available and in close proximity to the parents? (42 U.S.C. § 675(5))
- If the child is placed in foster care/shelter, have kinship care options been fully explored? If not, what is being done to explore relatives? If so, why were the relatives deemed inappropriate?
- If the child is placed in kinship care, what steps have been taken to ensure the relative is linked with all available training, services, and financial support?
- How does the placement support the family/child's involvement in the initial plan?
- What are the terms of meaningful family time with parents, siblings, and extended family members?
  - Do the terms of family time match the safety concerns? Is it supervised? Specifically, why must it be supervised? Is the time and location of family time logistically possible for the family and supportive of the child's needs?

## APPROPRIATENESS OF PLACEMENT (Cont'd)

- Are siblings placed together? If not, has the agency documented that joint placement would be contrary to the safety or well-being of any sibling? If not, what efforts have been made to place the siblings together?
- Does the caregiver have the necessary knowledge and skill to treat a child according to the “reasonable and prudent parent standard?” (P.L. 113-83 111(a); § 471(a)(24); § 475(11))
  - Will the placement ensure children participate in age- or developmentally-appropriate events (which promote a sense of “normalcy”) by promoting their engagement in social, extracurricular, enrichment, and cultural activities? (P.L. 113-83 111(a); § 471(a)(24); § 475(11))
- How is the placement culturally and linguistically appropriate?
  - From the family and child’s perspective, is the current placement culturally and linguistically appropriate? How does the placement support the child’s cultural identity? In what way does the placement support the child’s connection to the family and community?
- Is the placement in proximity to the child’s educational setting or does it otherwise support educational continuity?
- If the child has a history of trauma, does the placement have necessary support and training to help the child stabilize and begin the healing process?
  - If the child is a victim of sex trafficking or at risk of becoming a sex trafficking victim, does the caregiver have the necessary support and training to help the child? (P.L. 113-183)



## SETTING THE STAGE FOR SUBSEQUENT HEARINGS AND ACHIEVING POSITIVE OUTCOMES FOR CHILDREN AND FAMILIES (Refer to PPH Chapter for More Detail)

- ***Aggravated Circumstances:*** The court should advise the state or agency that if they are seeking relief from making reasonable efforts based on aggravated circumstances, they must file their motion so the matter may be set as soon as possible in the case and prior to the adjudication.
- ***Effective Case Planning Moving Forward:*** Although the information might not be available as early as the PPH, the court should set clear expectations for parties and advocates regarding the information to be provided to the court at each subsequent hearing by inquiring about .....

## *Trauma*

- Has trauma played a role in the child's behavior? Is trauma being sufficiently considered in decisions about where the child is going to live and with whom?
- Is there reason to believe that the child is a victim of sex trafficking or at risk of becoming a sex trafficking victim? Is the placement able to support their needs, and are appropriate services in place? (P.L. 113-183)

## *Child Well-Being*

- Has the court fully considered well-being issues including education, physical and dental health, and mental/emotional/developmental health?
- Does the placement facilitate a sense of “normalcy” by supporting the child's participation in developmentally appropriate activities and events? (P.L. 113-183)
- What efforts are being made to ensure children in foster care form and maintain long-lasting connections to caring adults? (P.L. 113-183)
- If the child has been missing from placement(s), why did the child leave? How will the agency address those factors in current/subsequent placements? What experiences did the child have while absent? Was the child exposed to traumatic events? How will the current/subsequent placements address any needs resulting from that trauma? (P.L. 113-183)

## CASE MANAGEMENT – PREPARE FOR THE NEXT HEARING

- Identify tasks to be accomplished by the next hearing.
- Make oral findings and orders that all participants can understand.
- Consider the appropriateness of ADR processes, and order if applicable.
- Set the date and time of the next hearing within state and federal timeframes, and identify persons whose presence is needed at the next hearing.
  - Order that the child (if appropriate) and caregivers receive notice of all proceedings and hearings.
- Ensure all orders are written, signed, copied, and distributed at the end of the hearing.
  - Provide parents with a copy of the PPH order immediately following the hearing.

## ENGAGE PARENTS, CHILDREN, AND FAMILY MEMBERS.

- Specifically ask parents and children if they understand what occurred at the hearing, and engage them in a conversation about next steps.
  - Can you tell me what happened here today?
  - Can you tell me what the next steps are?
- Advise parents of the importance of their active participation in all proceedings.
  - Advise parents of the rigorous timeframes for child abuse and neglect cases outlined in state and federal laws.
  - Advise parents of the consequences for failure to appear at any further court hearings.
  - When calendaring the next hearing, all parties, including the parents, should be asked if the scheduling works for them, and if not, ask for a better time.
- Ensure that parents and children have contact information for caseworkers and attorneys and that they understand the process to request court review if necessary.
- Ask if there are any questions for the court.

## In Conclusion ...

- ◉ Board Approval
- ◉ Other Organizational Endorsements
  - ◉ CCJ, ABA
- ◉ Plans for publication and dissemination
  - ◉ Text (as per previous RGs, AGs) with bench card inserts, references/resources
  - ◉ Online version (links to references/resources, other judicial checklists/tools)



<http://www.ncjfcj.org/sites/default/files/%20NCJFCJ%20Enhanced%20Resource%20Guidelines%2005-2016.pdf>

# Questions?



# THANK YOU!!!

- Judge Doug Johnson
- Separate Juvenile Court of Douglas County, NE
- [douglas.Johnson@douglascounty-ne.gov](mailto:douglas.Johnson@douglascounty-ne.gov)
- 402-444-7881